THE BOMBAY NON-AGRICULTURISTS' LOANS ACT, 1928.

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BOMBAY ACT No. III OF 1928.[1]

[THE BOMBAY NON-AGRICULTURISTS' LOANS ACT, 1928.]

[*30th March 1928.*]

Amended by Bom. 11 of 1928.

Adapted and modified by the Adaptation of Indian Laws Order in Council.

Amended by Bom. 6 of 1949.

An Act to provide for the grant of loans by Government to non-agriculturists [2][for certain purposes] and for the recovery of such loans.

WHEREAS it is expedient to provide for the grant of loans by Government to non-agriculturists [3][for certain purposes] and for the recovery of such loans in manner hereinafter appearing:

And whereas the previous sanction of the Governor General required by sub-section (*3*) of section 80A and the previous sanction of the Governor required by section 80C of the Government of India Act have been obtained for the passing of this Act; It is hereby enacted as follows:—

5 & 6 Geo. V, c. 61.

1. This Act may be called "the Bombay Non-Agriculturists' Loans Act, 1928". Short title.

2. Section 1 and this section extend to the whole of the Bombay Presidency. The rest of the Act may be extended by the [3][Provincial Government] by notification in the [4][*Official Gazette*] to any part of the Presidency from such date as may be specified in such notification. Extent.

†**3.** Subject to such rules as may be made under section 6, loans may be granted under this Act [5][for erecting, rebuilding or repairing houses, for building or repairing boats] or for the relief of distress to any person to whom a loan under the [6]Agriculturists' Loans Act, 1884, cannot be granted. Purpose for which loans may be granted.

XII of 1884.

4. All loans granted after the 1st day of August 1927 to such persons as are referred to in section 3 for the purpose mentioned therein shall be deemed to be loans granted under this Act. Loans already granted to be deemed to have been granted under Act.

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1928, Pt. V, p. 7; and for proceedings in Council, *see* Bombay Legislative Council Debates, 1928, Vol. XXII.

[2] These words were substituted by Bom. 6 of 1949, s. 3.

[3] The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation of Indian Laws Order in Council.

[4] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*", *ibid.*

[5] These words were substituted for the original by Bom. 6 of 1949, s. 4.

[6] *See* Central Acts.

† The provisions of sections 3 to 6 have been extended to the district of West Khandesh with effect from 25th September 1944 [*vide* G.-N., R. D., No. 10517/39, dated 25th September 1944].

Recovery of loans.

5. [1]* All loans granted or deemed to have been granted under this Act, together with all interest (if any) chargeable thereon, and costs (if any) incurred in making or recovering the same shall be recoverable at the discretion of the Collector in any one or more of the following modes, namely :—

(*a*) from the borrower—as if they were arrears of land revenue due by him ;

(*b*) from his surety (if any)—as if they were arrears of land revenue due by him ;

(*c*) out of the assets left by a deceased borrower or surety or out of the property comprised in the collateral security (if any)—according to the procedure for the realization of land revenue by the sale of a defaulter's moveable or immovable property other than the land on which that revenue is due ;

(*d*) if the loan is for the benefit of a house, out of such house,—as if it were arrears of land revenue due in respect of the land on which the house stands.

Power to make rules.

[2]6. (*1*) The [3][Provincial Government] may, from time to time, by notification in the [4][*Official Gazette*], make rules to carry out the purpose of this Act.

(*2*) In particular and without prejudice to the generality of the foregoing power, such rules may be made for the following matters, namely :—

(*a*) the manner of making applications for loans ;

(*b*) the officers by whom loans may be granted ;

(*c*) the nature of the security, if any, to be taken for the due application and repayment of the money, the rate of interest at which and the conditions under which the loans may be granted and the manner and term of granting loans ; and

(*d*) the instalments by which and the mode in which loans shall be repaid.

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[1] The figure and brackets "(*1*)" were repealed by Bom. 11 of 1928, s. 3, and Second Schedule.

[2] For Rules under this section, *see* Government Notification in the Finance Department No. 6004-E. dated the 1st December 1930, published in the *Bombay Government Gazette*, 1930, Part I, pp. 2951-58.

[3] The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation of Indian Laws Order in Council.

[4] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*", *ibid.*